

# COUNTY OF CHESTERFIELD



OFFICE OF THE  
COUNTY ATTORNEY

P.O. Box 40  
9901 Lori Road, Suite 503  
Chesterfield, VA 23832-0040

Telephone: (804) 748-1491 Facsimile: (804) 706-2615  
countyattorney@chesterfield.gov

JEFFREY L. MINCKS  
COUNTY ATTORNEY

MICHAEL S. J. CHERNAU  
SR. DEPUTY COUNTY ATTORNEY  
DAVID W. ROBINSON  
JULIE A. C. SEYFARTH  
MICHAEL P. KOZAK  
DEPUTY COUNTY ATTORNEYS  
EMILY C. RUSSELL  
ANDREW J. FULWIDER  
MEREDITH E. CARPENTER  
KATHERINE C. GILL  
SR. ASSISTANT COUNTY ATTORNEYS

April 17, 2023

## VIA Electronic Mail

Alice C. Minium  
[legal@openoversightva.com](mailto:legal@openoversightva.com)

Dear Ms. Minium:

My office is in receipt of your letter regarding your March 20, 2023 request to Chesterfield County pursuant to the Virginia Freedom of Information Act (FOIA). Your request was for “the roster of all sworn law enforcement officers employed with Chesterfield Police as of today’s date, with the following data points: last name, first name, middle initial, suffix, badge number, rank/job, bureau/precinct, shift/unit, squad, date of first hire, date of current hire, years of law enforcement experience, 2022 salary, and 2022 overtime pay.” In response to your request, as has been provided to you in response to your previous FOIA requests for these same records, you were provided a roster containing the name, position, and current salary of each sworn law enforcement officer employed by Chesterfield County, with certain names redacted.

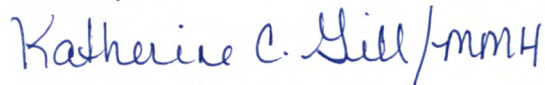
The records provided by the County in response to your request complied with all applicable provisions of FOIA. Pursuant to Virginia Code § 2.2-3705.1(1), all personnel information is exempt from mandatory disclosure under FOIA except for the “name, position, job classification, official salary, or rate of pay of, and records of the allowances or reimbursements for expenses paid to any officer, official, or employee of a public body.” The only fields of information contained in your request that must be released pursuant to this Code section are the names, rank/job, and salary of each sworn law enforcement officer.

The names of sworn officers in the position of lieutenant and below were redacted from the roster provided in response to your request. These redactions were made pursuant to Virginia Code § 2.2-3706(B)(8), because this is information related to undercover operations or protective details that would reveal the staffing of such operations or detail. Virginia Code § 2.2-3706(B)(10) should have also been cited as a basis for these redactions because the redacted information would have revealed the identity of undercover officers. Due to the staffing and operational logistics of the Chesterfield County Police Department, officers in the positions of lieutenant and below are moved in and out of undercover operations on a daily basis. Releasing the names of these officers would put the safety of undercover officers and the integrity of undercover investigations at risk. Please note that Virginia Code § 2.2-3706(F) states that in the event of a conflict between any provision of Virginia Code § 2.2-3706 and any other provision of law, the applicable provision of Virginia Code § 2.2-3706 shall control. Therefore, despite Virginia Code § 2.2-3705.1(1) providing for the release of the names of employees, the exemptions pertaining to undercover operations and the identity of undercover officers are controlling in this instance.

To the extent that your letter contains a new FOIA request for “the roster of all sworn law enforcement officers employed with Chesterfield Police as of today’s date, with the following data points: Full name (last, first, middle initial, suffix), badge number, rank/job title, bureau/precinct, shift/unit, squad, date of first hire, date of current hire, fiscal year 2022 salary & overtime pay (denoted separately), or documents sufficient to show the same,” please be advised that “Chesterfield Police” is not a legal entity or employer. Assuming you are asking for the roster of all sworn law enforcement officers employed by Chesterfield County, please see the attached records. Some of the requested records, or parts thereof, are being withheld pursuant to Virginia Code § 2.2-3705.1(1) because they contain personnel information concerning identifiable individuals, pursuant to Virginia Code § 2.2-3706(B)(8) because they contain information related to undercover operations or protective details that would reveal the staffing of such operations or detail, and pursuant to Virginia Code § 2.2-3706(B)(10) because they contain the identity of undercover officers.

I trust this letter provides you with all necessary clarification needed on this matter.

Sincerely,



Katherine C. Gill

Attachment

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